UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.10/Add.11
7 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-11634 (E)

XI. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

1. The Commission considered agenda item 11 concurrently with items 17 and 19 (see chaps. XVII and XIX) at its 19th to 23rd meetings, from 21 to 25 March, and at its 37th meeting, on 3 April 1997. 1/

2. For the documents issued under agenda item 11, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission see annex ... to the present report.

3. In the general debate on agenda item 11, statements 2/ were made by the following members of the Commission: Angola (21st), Bangladesh (22nd), Chile (22nd), Egypt (22nd), El Salvador (21st), Mexico (19th), Pakistan (22nd), Philippines (21st).

4. The Commission heard statements by the observers for: Iran (Islamic Republic of) (22nd), Morocco (20th), Turkey (22nd).

5. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (21st), Commission of the Churches on International Affairs of the World Council of Churches (21st), Human Rights Advocates (19th), International Confederation of Free Trade Unions (21st), Movement against Racism and for Friendship among Peoples (21st), Women's International League for Peace and Freedom (23rd).

6. At its 37th meeting, on 3 April 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

Violence against women migrant workers

7. The representative of the Philippines introduced draft resolution E/CN.4/1997/L.14, sponsored by Chile, El Salvador, Indonesia, Iraq, the Marshall Islands, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, South Africa and Sri Lanka. Bangladesh, Belgium, Cape Verde, Madagascar, Nepal, Portugal and the Republic of Korea subsequently joined the sponsors.

8. The draft resolution was adopted without a vote.

9. A statement in explanation of vote after the vote was made by the representative of the United States of America.

10. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/13.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

11. The representative of Mexico introduced draft resolution E/CN.4/1997/L.29, sponsored by Cape Verde, Chile, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Paraguay, the Philippines, Sri Lanka, Tunisia and Turkey. Bangladesh, Madagascar, Peru and Portugal subsequently joined the sponsors.

12. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/14.

Migrants and human rights

13. The representative of Mexico introduced draft resolution E/CN.4/1997/L.30, sponsored by Algeria, Bangladesh, Benin, Bolivia, Brazil, Cameroon, Cape Verde, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Madagascar, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, the Philippines, Senegal, Sri Lanka, Tunisia, Turkey, Uganda, Uruguay, Yemen, Zaire and Zimbabwe. Angola, Argentina, Ireland and Portugal subsequently joined the sponsors.

14. The draft resolution was orally revised by the representative of Mexico as follows:

(a) A new second and third preambular paragraph replaced the second preambular paragraph which read as follows:

"Affirming that every State must ensure the rights recognized in the International Covenant on Civil and Political Rights, take steps to realize the rights recognized in the International Covenant on Economic, Social and Cultural Rights and protect the human rights recognized in other applicable international instruments, for all individuals within its territory and subject to its jurisdiction,"

(b) A new text replaced operative paragraph 1, which read as follows:

"1. Acknowledges that the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination,

the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, apply to everyone, including migrants, regardless of their legal situation",

(c) A new text replaced operative paragraph 2, which read as follows:

"2. Requests States, in conformity with the respective constitutional systems and international instruments, such as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments, effectively to promote and protect the fundamental human rights of all migrants",

(d) In operative paragraph 3, after the word "establish", the words "within the approved overall budget level for the current biennium" were inserted;

(e) A new subparagraph replaced subparagraph (a) of operative paragraph 7, which read as follows:

"(a) Study the existing obstacles to the effective and full protection of the human rights of all migrants",

(f) A new subparagraph replaced former subparagraph (b) of operative paragraph 7, which read as follows:

"(b) Elaborate minimum standards and policy guidelines to ensure the effective and full protection of the human rights of all migrants",

(g) Subparagraph (c) of operative paragraph 7, which read as follows, was deleted:

"(c) Recommend any further measures it deems appropriate for the protection of the rights of all migrants and to promote mutual understanding between and among migrants and societies in which they find themselves".

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

16. A statement in connection with the draft resolution, as orally revised, was made by the representative of Malaysia.

17. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/15.